

Issued September 27, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1681.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF SO-CALLED PEPPERMINT EXTRACT.

On February 14, 1912, the United States Attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the S. Hirsch Distilling Co., a corporation doing business under the name of Minuet Cordial Co., as a trade name, Kansas City, Mo., alleging shipment by said company, in violation of the Food and Drugs Act, on or about November 29, 1910, from the State of Missouri into the State of Illinois, of a quantity of so-called peppermint extract which was adulterated and misbranded. The product was labeled: "Peppermint Extract. Prepared from finest peppermint leaves. Guaranteed under the National Pure Food and Drugs Act June 30, 1906, Serial No. 5897."

Analysis of sample of the product by the Bureau of Chemistry of this Department showed the following results: Specific gravity at 15.6° C., 0.9487; alcohol (per cent by volume), 42.30; methyl alcohol, none; solids, 0.32 per cent; ash, 0.001 per cent; peppermint oil, slight trace; color, aniline dyes giving reactions of Light Green S. F. Yellowish, and Naphthol Yellow S.

Adulteration was alleged in the information for the reason that there was mixed, packed, and mingled with the product a certain substance, to wit, a dilute extract of peppermint containing an inestimable amount of peppermint oil, thereby reducing, lowering, and injuriously affecting the quality and strength of the product, and there was substituted for genuine peppermint extract as commercially known, that is to say, a flavoring extract prepared from oil of peppermint, or from peppermint, or both, and containing not less than

3 per cent by volume of oil of peppermint, an adulterated compound containing only a dilute extract of peppermint containing an inestimable amount of peppermint oil, thus damaging and injuriously affecting said product as food for human consumption; and the product was artificially colored with aniline dye to give it the effect and color of peppermint oil and the extract thereof and to conceal the identity of its inferiority. Misbranding was alleged for the reason that the product was offered for sale and sold as and for genuine peppermint extract as the same is commercially known, as set forth above, under the distinctive name of another article of food, that is to say, that the product was not a genuine peppermint extract as same is commercially known, as aforesaid, but was a highly dilute preparation containing an inestimable amount of peppermint oil and the label on each of the bottles of the product was false and misleading because it tended to deceive and mislead the purchaser into believing that he was purchasing peppermint extract as commercially known, whereas, in truth and in fact, the product was not a peppermint extract but a dilute preparation containing an inestimable amount of peppermint oil.

On April 18, 1912, the defendant company entered a plea of guilty to the information and the court imposed a fine of \$50 and costs.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *July 26, 1912.*